

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DR SYSTEMS, INC.,

Plaintiff,

v.

**08-MC-6029T**

**ORDER**

EASTMAN KODAK COMPANY,

Defendant.

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EASTMAN KODAK COMPANY,

Counterclaimant,

v.

DR SYSTEMS, INC.,

Counterclaim Defendant

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By Order dated November 24, 2008, I appointed attorney Joseph W. Berenato, III as a Special Master in this case for the purpose of issuing a Report and Recommendation to the Court with respect to the pending motion to compel. By Report and Recommendation dated March 9, 2009, Special Master Berenato recommended that Carestream produce documents that pre-date 1992 concerning the conception and reduction to practice of Kodak's "PACS" system (specifically, the workstation that is capable to display medical images on a display screen), and that Carestream produce for deposition a witness or witnesses who can testify as to Topics 1 and 3-5 of DR Systems'

schedule of deposition topics (attached to the Special Master's Report and Recommendation as Exhibit A).

Neither party has objected to the Special Master's Report and Recommendation, and having reviewed the Special Master's Report, and the parties' original submissions, for the reasons stated in his Report and Recommendation, I adopt Special Master Berenato's Report and Recommendation in its entirety.

ALL OF THE ABOVE IS SO ORDERED.

S/ Michael A. Telesca

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MICHAEL A. TELESCA  
United States District Judge

DATED: Rochester, New York  
April 14, 2009